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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,861	04/15/2004	Jimmy TzeMing Pang	S104.12-0056/STL 11441	7109
7590 Westman, Champlin & Kelly Suite 1400 900 Second Avenue South Minneapolis, MN 55402-3319			EXAMINER MERCEDES, DISMERY E	
			ART UNIT 2627	PAPER NUMBER
			MAIL DATE 10/30/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/824,861

Applicant(s)

PANG ET AL.

Examiner

DISMERY E. MERCEDES

Art Unit

2627

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1, 8-15, 18-20 and 24-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 8-15 and 18-20 is/are allowed.
- 6) ☒ Claim(s) 24 is/are rejected.
- 7) ☒ Claim(s) 25 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claim 24 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wiselogel et al. (US 6,130,796) in view of Miyata et al. (US 2004/0080862).

As to claim 24, Wiselogel discloses identifying a last usable track on a recording media surface (102b-inner diameter-ID crash stop), beyond a default maximum track (204 default max track); and defining a standoff band of tracks relative to the last usable track to obtain an achieved maximum track on the surface (203 standoff band of tracks). Wiselogel discloses identifying a last usable, beyond a default maximum track, track as a function of a parameter (according to Applicant's definition of an usable on page 6, lines 1-7 of instant specification, the examiner believes Wiselogel discloses a last usable track as claimed, as depicted in Fig.4, when the actuator encounters an inner-outer diameter crash stop & as depicted in Fig.4, 203); and defining a standoff band of tracks relative to the last usable track to obtain an achieved maximum track on the surface (according to Applicant's definition of standoff band of tracks, page 6, lines 10-15 of instant

specification, the examiner believes Wiseloge discloses a standoff band of tracks as claimed, as depicted in Fig.4, 203; col.2, lines 35- 50; col.4, lines 23-64 the band of tracks obtained from the difference between the inner-outer crash band of tracks). However, Wiseloge fails to particularly disclose the last usable track (the ID crash stop) is *identified as a function of a position error signal value, wherein the position error signal represents the distance from a read head's current position to a desired target position.*

However, Miyata et al. discloses a head positioning method/apparatus wherein a head position signal is generated as a function of position error signal, wherein the position error signal indicates the error of the head with respect to a target position (paragraphs 0016 and 0057). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement a head positioning method as disclosed by Miyata et al., to position the head in the target position (i.e. the last usable track-ID crash stop position) in the method of Wiseloge et al. the motivation being to precisely position the head without decreasing the data format efficiency (page 2,0015 of Miyata et al.).

Allowable Subject Matter

4. Claims 1,8-15 and 18-20 are allowed for the reasons stated in the office action mailed on 8/30/2006.
5. Claims 25-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 25 is allowable over the prior art since the cited references do not teach or suggest identifying a last usable track as a function of when the PES value exceeds a predetermined percentage of an average PES value. Claim 26, is allowable over the prior art since the cited

references do not teach or suggest identifying a last usable track as a function of when the track PES exceeds a predetermined percentage of a maximum budgeted PES.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McNeil et al. (US 6,940,679).
7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DISMERY E. MERCEDES whose telephone number is (571)272-7558. The examiner can normally be reached on Monday - Friday, from 9:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Thi Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. E. M./
Examiner, Art Unit 2627
/HOA T NGUYEN/
Supervisory Patent Examiner, Art Unit 2627